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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,919	09/19/2001	Drew A. Pappas	7784-000302	9713

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EXAMINER

HARVEY, JAMES R

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 09/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,919

Applicant(s)

PAPPAS ET AL.

Examiner

James R. Harvey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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***DETAILED ACTION
COPY OF PAPERS***

The papers filed on 15 January 2002 have not been made part of the permanent records of the United States Patent and Trademark Office (Office) for this application (37 CFR 1.52(a)) because of damage from the United States Postal Service irradiation process. The above-identified papers, however, were not so damaged as to preclude the USPTO from making a legible copy of such papers. Therefore, the Office has made a copy of these papers, substituted them for the originals in the file, and stamped that copy:

**COPY OF PAPERS
ORIGINALLY FILED**

If applicant wants to review the accuracy of the Office's copy of such papers, applicant may either inspect the application (37 CFR 1.14(d)) or may request a copy of the Office's records of such papers (*i.e.*, a copy of the copy made by the Office) from the Office of Public Records for the fee specified in 37 CFR 1.19(b)(4). Please do **not** call the Technology Center's Customer Service Center to inquiry about the completeness or accuracy of Office's copy of the above-identified papers, as the Technology Center's Customer Service Center will **not** be able to provide this service.

If applicant does not consider the Office's copy of such papers to be accurate, applicant must provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the originally submitted documents. If applicant provides such a copy of the above-identified papers and statement within **THREE MONTHS** of the mail date of this Office action, the Office will add the original mailroom date and use the copy provided by applicant as the permanent Office record of the above-identified papers in place of the copy made by the Office. Otherwise, the Office's copy will be used as the permanent Office record of the above-identified papers (*i.e.*, the Office will use the copy of the above-identified papers made by the Office for examination and all other purposes). This three-month period is not extendable.

Information Disclosure Statement

- The Information Disclosure statement and related documents received 21 March 2002 have been considered.

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Claim Objections

- Claim(s) 5 is/are objected to because of the following informalities:

-- Claim 5, line 2; the use of product name "ARINC 628" in the claims is vague and indefinite because the product name can be revised in the future.

-- Appropriate correction of the above is required.

Note: The above objections that were based upon the claims not being clear, were made objections instead of rejections under 35 USC § 112 in an attempt to be courteous. However, if the objection(s) and any other unnoted error(s) or related claim language is/are not corrected in response to this office action, they may be cause for rejection of the claims under 35 USC § 112 in the following final or non-final office action.

Claim Rejections - 35 USC § 102

- The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

- Claim(s) 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Bovio et al. (6046571).

-- In reference to claim 1, Bovio shows (cover sheet)

a housing 100;

a first networking port comprising a Universal Serial Bus 144 disposed in the housing 100 adapted to couple the portable electronic device to the network for providing network connectivity of the portable electronic device;

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a power port 146 disposed in the housing that can be adapted to receive a DC power cable of the portable electronic device for providing power to the portable electronic device.

-- In response to the recitation adapted to be integrated into a network located on-board the mobile platform, it has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

-- In reference to claim 2, Bovio shows (cover sheet) the networking port comprises a Universal Serial Bus port 144.

-- In reference to claim 3, Bovio shows the networking port comprises a RJ-45 port 142.

-- In reference to claim 6, Bovio shows (cover sheet) the power port 146 and networking port 142 are disposed in a common wall of the housing 100.

Claim Rejections - 35 USC § 103

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- Claim(s) 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, Jr. (6038426) in view of Francis 6315618).

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-- In reference to claims 1-3, 8, and 10, Williams shows (figures 5 and 6)

a housing 300;

a first networking port comprising a Universal Serial Bus (column 5, line 23) disposed in the housing 300;

a power port (column 5, line 1) disposed in the housing that can be adapted to receive a DC power cable of the portable electronic device for providing power to the portable electronic device.

Williams does not show an RJ-45 networking port (Williams shows an RJ-11 (column 3, line 59)).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to choose to use an RJ-45 contact instead of the RJ-11 that is shown by Williams as a matter of design choice;

Francis is an example, Francis teaches that various types of RJ connectors could be used for coupling and that the port can vary to accommodate different types of RJ connectors. Francis even points out that the various accommodations could be for RJ-11 and RJ-45.

-- In response to the recitation for a network located on-board the mobile platform, it has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

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-- In reference to claims 4-5, 7, and 9 concerning each respective claim's intended use language of the power port comprises a 15 volt DC power connector, the power port comprises an ARINC 628 power connector, the network is of the type selected from the group consisting of a local area network (LAN), a wide area network (WAN), internet, an intranet, and combination thereof, and the network is of the type selected from the group consisting of a local area network (LAN), a wide area network (WAN) and an intranet;

a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

-- In reference to claim 6, Williams shows (figures 5 and 6) the power port and networking port are disposed in a common wall of the housing.

Conclusion

- The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Demick et al. shows a seat for a vehicle. The attached definition of vehicle shows that the limitation of vehicle is a broad term that includes airplanes. It would be desirable to use the invention of Demcik on an airplane to allow the airplane passenger to have a spacious work area during the flight.

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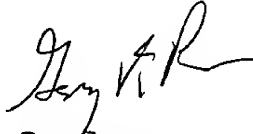
- Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Harvey whose telephone number is 703-305-0958. The examiner can normally be reached on 8:00 A.M. To 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 703-308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7724 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0952.

James R. Harvey, Examiner

jrh
September 9, 2002


Gary Paumen
Primary Examiner

ve·hi·cle

ve·hi·cle (vē'ī-kəl) *noun*

1. a. A device or structure for transporting persons or things; a conveyance: *a space vehicle*. b. A self-propelled conveyance that runs on tires; a motor vehicle.
2. A medium through which something is transmitted, expressed, or accomplished: *His novels are a vehicle for his political views*.
3. The concrete or specific word or phrase that is applied to the tenor of a metaphor and gives the metaphor its figurative power, as *walking shadow* in "*Life's but a walking shadow*" (Shakespeare).
4. A play, role, or piece of music used to display the special talents of one performer or company.
5. A substance of no therapeutic value used to convey an active medicine for administration.
6. A substance, such as oil, in which paint pigments are mixed for application.

[Latin *vehiculum*, from *vehere*, to carry.]

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